

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ORRIN TYLER COLBOURN,
Plaintiff,
v.
CALIFORNIA COURTS, et al.,
Defendants.

No. 2:20-cv-0725 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. (ECF No. 1). The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. For the reasons stated below, the undersigned shall recommend that this action be dismissed without prejudice for failure to file an in forma pauperis application and, in the alternative, for failure to pay the appropriate filing fee.

Since the filing of plaintiff's complaint in April 2020, plaintiff has twice been formally ordered to file a proper in forma pauperis application, and he has twice been sent a copy of the in forma pauperis application. (See ECF Nos. 3, 12). Each time, plaintiff has been given thirty days within which to comply with the court's order. (See ECF Nos. 3, 12). In addition, on June 30, 2020, plaintiff was served with a third copy of the in forma pauperis application when the court's most recent order was re-served on representatives at the Butte County Jail.

1 On July 2, 2020, Butte County Jail filed plaintiff's prisoner trust fund account statement.
2 (See ECF No. 25). However, to date, plaintiff has still failed to fill out, sign and return his
3 application to proceed in forma pauperis as he has been repeatedly instructed to do, nor has he
4 opted to pay the filing fees. Instead, since first being ordered to do either one or the other,
5 plaintiff has filed at least sixteen documents in this court which either complain about the fact that
6 Butte County Jail has not filed his prisoner trust fund account statement with the court or which
7 inform the court of the status of what appear to be unrelated habeas actions plaintiff has filed with
8 the state. (See ECF Nos. 4, 7-11, 13-18, 21-24). For these reasons, the undersigned recommends
9 that this action be dismissed for failure to file an in forma pauperis application and, in the
10 alternative, for failure to pay the filing fee. See generally 28 U.S.C. § 1915(a)(1)-(2), (b)(1)(A)-
11 (B).

12 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall assign a District
13 Court Judge to this action.

14 IT IS FURTHER RECOMMENDED that this action be dismissed without prejudice for
15 failure to file an in forma pauperis application and, in the alternative, for failure to pay the filing
16 fee. See generally 28 U.S.C. § 1915(a)(1)-(2), (b)(1)(A)-(B).

17 These findings and recommendations are submitted to the United States District Judge
18 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within thirty days after
19 being served with these findings and recommendations, plaintiff may file written objections with
20 the court and serve a copy on all parties. Such a document should be captioned "Objections to
21 Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file
22 objections within the specified time may waive the right to appeal the District Court's order.
23 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

24 Dated: July 8, 2020

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28 DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DLB:13
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